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| 09/960,258 | 09/21/2001 | Paramvir Bahl | MS1-937US | 4336 |
| 22801 | 7590 | 03/21/2006 | EXAMINER | |
| LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201 | | | REFAI, RAMSEY | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,258

Applicant(s)

BAHL ET AL

Examiner

Ramsey Refai

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 19-26, 38-40 and 45-49 is/are pending in the application.
- 4a) Of the above claim(s) 45-49 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 19-26 and 38-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

Responsive to Request for Continued Examination (RCE) filed on February 27, 2006. Claims 1-7, 19-26, and 38-40 were previously presented. Claims 45-49 are new.

Election/Restrictions

1. Newly submitted claim 45-49 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Newly presented claims 45-49 are directed to methods for authorizing access to a network to clients that receive an announcement signal. These claims differ in scope to the originally presented claims 1-7, 19-26, and 38-40, which are directed to a method, a computer-readable media, and a system for broadcasting an announcement signal.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 45-49 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Therefore, Claims 45-49 are withdrawn from consideration.

Claims 1-7, 19-26, and 38-40 remain pending further examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 19-23, and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (U.S. Patent No. 6,487,406).

4. As per claim 1, Chang et al teach a method for broadcasting an announcement signal, comprising:
broadcasting a network identifier signal that uniquely identifies a computer network (**column 5, lines 40-60 and column 7, lines 7-17**);

broadcasting an authorizer signal that identifies an authorizer network address on the computer network, the authorizer network address being associated with an authorizer that is configured to authorize mobile clients to utilize the computer network (**column 5, lines 40-60 and column 7, lines 7-17**); and

broadcasting a verifier signal that identifies a verifier network address on the computer network, the verifier network address being associated with a verifier that is configured to verify data packets sent by mobile clients utilizing the computer network (**column 7, lines 7-17 and lines 28-30**).

5. As per claim 2, Chang et al teach that each signal is broadcast periodically (**column 8, lines 19-23**).

6. As per claim 3, Chang et al teach a network identifier signal, the authorizer signal and the verifier signal are broadcast together in an announcer signal (**column 5, lines 40-60 and column 7, lines 7-17**).

7. As per claim 4, Chang et al teach the authorizer network address and the verifier network address are Internet Protocol (IP) addresses (**column 7, lines 7-17**).

8. As per claim 5, Chang et al teach the verifier is preferred verifier, and the method further comprises substituting a network address of an alternate verifier for the network address of the preferred verifier (**column 7, lines 18-47, column 1, lines 47-67, and column 8, lines 19-40**).

9. As per claim 19-23, these claims contain similar limitations as claims 1-5 above, therefore are rejected under the same rationale.

10. As per claim 38, Chang et al teach a system, comprising:
- a network identifier; an authorizer identifier; a verifier identifier (**column 7, lines 10-15 and column 5, lines 40-60**);
- a signal generator configured to generate a signal that communicates the network identifier, the authorizer identifier and the verifier identifier (**column 5, lines 40-55 and column 8, lines 40-55**).
11. As per claim 39, Chang et al teach a memory that stores the network identifier, the authorizer identifier and the verifier identifier (**column 7, lines 7-17 and column 14, lines 9-10**).
12. As per claim 40, Chang et al teach a receiver configured to accept the network identifier, the authorizer identifier and the verifier identifier as input data (**column 5, lines 40-50**).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 6-7 and 24-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al (U.S. Patent No. 6,487,406) and Hulthen et al (U.S. Patent No. 6,073,016).
15. As per claim 6 Chang et al fails to teach determining if the preferred verifier has reached a load threshold.
16. However, Hulthen et al teach determining when a host computer that reaches a maximum number of sessions (**column 11, lines 5-10**). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Chang et al and Hulthen et al because Hulthen et al's use of determining if a computer has reached a threshold in Chang et al's method would

provide a load balancing feature for detecting if verifiers have reached a maximum load and then substituting an alternate verifier address to redirect all other inquires to the new verifier.

17. As per claim 7, Hulthen et al teach fail to teach detecting a preferred verifier failure.

18. However, Hulthen et al teach determining when a host computer that reaches a maximum number of sessions (**column 11, lines 5-10**). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Chang et al and Hulthen et al because Hulthen et al's use of determining if a computer has reached a threshold in Chang et al's method would provide a load balancing feature for detecting if verifiers have reached a maximum load and then substituting an alternate verifier address to redirect all other inquires to the new verifier.

19. As per claims 24-25, they contain similar limitations as claims 6-7 above, therefore are rejected under the same rationale.

Response to Arguments

20. Applicant's arguments filed February 27, 2006 have been fully considered but they are not persuasive.

- In the remarks, the Applicant argues in substance that Chang et al's base station has not been shown by the Office to be equivalent to the claimed authorizer since Chang et al's base station is concerned with providing a mobile station with a new, temporary IP address and *the claimed authorizer is not*, therefore the Office has failed to establish that Chang et al discloses every element of the claimed invention.
- In response, the Examiner respectfully disagrees. The Applicant's argument that Chang et al teach additional features not claimed by the Applicant does not distinguish or prove that the present invention is patentable over Chang et al. Since Chang et al's base station teaches the features of an authorizer, as claimed, in the present invention, the base station therefore meets the scope of the claimed limitation. Therefore the previous rejections are maintained.

Conclusion

This is a continuation of applicant's earlier Application No. 09/960,258. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai
Examiner
AU 2152



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SUPERVISORY PATENT EXAMINER